



Billing Code: 4333–15

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2016–N189; FXES11140200000–178–FF02ENEH00]

Receipt of an Incidental Take Permit Application to Participate in the Amended American Burying Beetle Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit application for federally listed American burying beetle (ABB) take resulting from activities associated with oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning in Oklahoma. If approved, the permit would be issued under the approved *Amended Oil and Gas Industry Conservation Plan (ICP)* Associated with Issuing Endangered Species Act Section 10(a)(1)(B) American Burying Beetle Permits Oklahoma.

DATES: To ensure consideration, written comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's ITP application by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

- *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—
HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- *Electronically:* fw2_hcp_permits@fws.gov.

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at: U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*; Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit (ITP) application for federally listed ABB (*Nicrophorus americanus*) take resulting from oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission and distribution pipeline infrastructure construction, maintenance,

operation, repair, decommissioning, and reclamation in Oklahoma. If approved, the permit would be issued to the applicant under the *Amended Oil and Gas Industry Conservation Plan (ICP) Associated with Issuing Endangered Species Act Section 10(a)(1)(B) American Burying Beetle Permits Oklahoma*. The original ICP was approved on May 21, 2014 (FONSI notice publication was on July 25, 2014; 79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on the website at <http://www.fws.gov/southwest/es/oklahoma/ABBICP>. However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following application under the ICP, for incidental federally listed ABB take. Please refer to the appropriate permit number (e.g., TE-123456) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with this application are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit TE11102C

Applicant: Performance Petroleum Company, Barnsdall, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as of oil and gas gathering, transmission and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Comments Publically Available

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the Act (16 U.S.C. 1531 *et seq.*) section 10(c) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos, Acting

Regional Director, Southwest Region
U.S. Fish and Wildlife Service

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